

ZONING ORDINANCE

**SECTION 6
SHORELAND MANAGEMENT**

6.1 POLICY

The uncontrolled use of shorelands in the City of Chaska affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to the municipalities of the State to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, preserve the economic and natural environmental values of shorelands, and provide for the wise utilization of waters and related land resources. This responsibility is hereby recognized by the City of Chaska.

6.2 DESIGNATION OF TYPES OF LAND USE

6.2.1 SHORELAND MANAGEMENT CLASSIFICATION:

In order to guide the wise development and utilization of shorelands of protected waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare, certain protected waters in the City have been given a shoreland management classification.

These protected waters of the City have been classified by the Commissioner of Natural Resources as follows:

Natural Environment		DNR I.D. #
Chaska Lake		10-4
Courthouse Lake		10-5
General Development	OHWM	DNR I.D. #
Hazeltine Lake	916.8	10-14
Lake Bavaria	972.7	10-19
West Chaska Creek		N/A
East Chaska Creek		N/A

6.2.2 SHORELAND OVERLAY DISTRICT:

The shorelands of the City of Chaska are hereby designated as a Shoreland Overlay District. The purpose of the Shoreland Overlay District is to provide for the wise utilization of shoreland areas in order to preserve the quality and natural character of these protected waters of the City.

6.2.2.1 Permitted Uses

SHORELAND MANAGEMENT

All permitted uses allowed and regulated by the applicable zoning district underlying this shoreland overlay district as indicated on the Official Zoning Map of the City.

6.2.2.2 Conditional Uses

All conditional uses and applicable attached conditions allowed and regulated by the applicable zoning district underlying this shoreland overlay district as indicated on the Official Zoning Map of the City and as required by Subsection 6.4 of this Ordinance.

6.2.2.3 Substandard Uses

Any uses of shorelands in existence prior to the date of enactment of this Ordinance which are permitted within the applicable zoning district, but do not meet the minimum lot area, setbacks or other dimensional requirements of this Ordinance are substandard uses. Substandard uses, including substandard sanitary facilities, shall be allowed to continue. However, any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.

6.2.2.4 Prohibited Uses

Any uses which are not Permitted or Conditional Uses as regulated by the applicable zoning district underlying this shoreland overlay district as indicated on the Official Zoning Map of the City are prohibited.

6.3 ZONING PROVISIONS

6.3.1 STANDARDS - ALL SHORELANDS:

The following standards shall apply to all shorelands of the protected waters listed in Subsection 6.2 of this Ordinance within the City. Where the requirements of the underlying zoning district as shown on the Official Zoning Map are more restrictive than those set forth herein, then the more restrictive standards shall apply:

**NATURAL
ENVIRONMENT
WATERS**

**RECREATIONAL
DEVELOPMENT
WATERS**

**GENERAL
DEVELOPMENT
WATERS**

ZONING ORDINANCE

1) Unsewered Areas

Lot Area (in square feet)	80,000	40,000	20,000
Water frontage and lot width at building line (in feet)	200	150	100
Structure setback from Ordinary High Water Mark (in feet)	200	100	75
Structure setback from roads and highways (in feet)		50: Federal, State, or County 30: Municipal or Private	
Structure height limitation (in feet)		35	
Maximum lot area covered by impervious surface (in %)	30	30	30
Sewage system setback from Ordinary High Water Mark (in feet)	150	75	50

2) Sewered Areas

Lot Area (in square feet)			
Water front lots	40,000	20,000	15,000
Other lots	20,000	15,000	10,000
Water frontage and lot width at building line (in feet)	125	75	75
Structure setback from Ordinary High Water Mark (in feet)	150	75	50

6.3.2 SUBSTANDARD LOTS:

6.3.2.1 Lots of Record

SHORELAND MANAGEMENT

- a) Lots of record in the office of the County Register of Deeds prior to March 4, 1985 which do not meet the requirements of Subsection 6.3.1 may be allowed as building sites, provided:
 - i) Such use is permitted in the zoning district.
 - ii) The lot is in separate ownership from abutting lands, and
 - iii) All other sanitary and dimensional requirements of this shoreland ordinance are complied with insofar as practical.
- b) The minimum size and length of water frontage for substandard lots of record shall be:

9,000 square feet with 75 feet frontage

6.3.3 ROADS AND PARKING AREAS:

Roads and parking areas shall be located to retard the runoff of surface waters and nutrients in accordance with the following criteria:

6.3.3.1 Setbacks - Roads/Parking Areas

Where feasible and practical, all roads and parking areas shall meet the setback requirements established for structures in Subsection 6.3.1 of this Ordinance.

6.3.3.2 Minimum Setbacks - High Water Mark

In no instance shall these impervious surfaces be placed less than 50 feet from the ordinary high water mark.

6.3.3.3 Screening - Parking Areas

Natural vegetation or other natural materials shall be used to screen parking areas when viewed from the water.

6.3.4 ELEVATION OF LOWEST FLOOR:

6.3.4.1 Elevation Consistency/Flood Plain Management

Structures shall be placed at an elevation consistent with the City's flood plain management controls.

6.3.4.2 Lowest Floor Elevation Determination

In areas not regulated by flood plain management controls, the elevation to which the lowest floor, including basements, is to be placed shall be determined as follows:

- a) For lakes, ponds, and flowages by:
 - i) An evaluation of available flood information and consistent with Statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota; or

ZONING ORDINANCE

- ii) Placing the lowest floor at a level at least three feet above the highest known water level. In those instances where sufficient data on known high water levels are not available, the ordinary high water mark shall be used.
- b) For rivers and streams, by an evaluation of available flood information and consistent with Statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota.

6.3.5 EXCEPTIONS TO STRUCTURE SETBACK REQUIREMENTS:

6.3.5.1 Exceptions from Setbacks

Setback requirements from the ordinary high water mark shall not apply to piers and docks. Location of piers and docks shall be controlled by applicable state and local regulations.

6.3.5.2 Developed/Undeveloped Lots/Minimum Setback

On undeveloped shoreland lots that have two (2) adjacent lots with existing principal structures on both such adjacent lots, any new residential structure may be set back the average setback of the adjacent structures from the ordinary high water mark or 50 feet, whichever is greater, provided all other provisions of the shoreland overlay district are complied with.

6.4 SHORELAND ALTERATIONS

6.4.1 NATURAL VEGETATION - REMOVAL RESTRICTED:

The removal of natural vegetation shall be restricted to prevent erosion into protected waters, to consume nutrients in the soil, and to preserve shoreland aesthetics. Removal of natural vegetation in the shoreland overlay district shall be subject to the following provisions:

6.4.1.1 Allowable Removal of Natural Vegetation

Selective removal of natural vegetation is allowed, provided that sufficient vegetative cover remains to screen cars, dwellings and other structures when viewed from the water.

6.4.1.2 Cutting Vegetation - Prohibited

Clear cutting of natural vegetation is prohibited.

6.4.1.3 Restoration of Natural Vegetation

Natural vegetation shall be restored insofar as feasible after any construction project is completed to retard surface runoff and soil erosion.

6.4.1.4 Normal Removal of Natural Vegetation

The provisions of this Section shall not apply to permitted uses which normally require the removal of natural vegetation.

6.4.2 GRADING / FILLING SHORELAND AREAS:

Grading and filling in shoreland areas or any alteration of the natural topography where the slope of the land is toward a protected water or a watercourse leading

SHORELAND MANAGEMENT

to a protected water must be authorized by a permit. The permit may be granted subject to the conditions that:

6.4.2.1 Bare Ground Exposure

The smallest amount of bare ground is exposed for as short a time as feasible.

6.4.2.2 Temporary Ground Cover

Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is established.

6.4.2.3 Erosion/Trap Sediment

Methods to prevent erosion and trap sediment are employed.

6.4.2.4 Fill

Fill is stabilized to accepted engineering standards.

6.4.3 EXCAVATION ON SHORELANDS:

Excavations on shorelands where the intended purpose is connection to a protected water shall require a permit from the Zoning Administrator before construction is begun. Such permit may be obtained only after the Commissioner of Natural Resources has issued a permit to work in the beds of protected waters.

6.4.4 DNR APPROVAL OF CHANGES OF PROTECTED WATER OR WETLAND:

Any work which will change or diminish the course, current or cross-section of a protected water or wetland shall be approved by the Commissioner of Natural Resources, and such approval shall be construed to mean the issuance by the Commissioner of Natural Resources of a permit under the procedures of Minnesota Statutes, Section 105.42 and other related statutes.

6.5 SEWAGE TREATMENT

Any premises intended for human occupancy shall be provided with an adequate method of sewage treatment to be maintained in accordance with acceptable practices.

6.5.1 PUBLIC / MUNICIPAL FACILITIES:

Public or municipal collection and treatment facilities shall be used where available and where feasible.

6.5.2 MINNESOTA POLLUTION CONTROL AGENCY STANDARDS:

The standards of the Minnesota Pollution Control Agency (MPCA), "Individual Sewage Treatment Systems Standards and appendices", (6 MCAR Subsection 4.8040) and Sections 19-85 through 19-98 of the City of Chaska's Code of Ordinances are hereby adopted by reference and made a part of this Ordinance.

6.5.3 PERMIT:

No person, firm, or corporation shall install, alter, repair or extend any individual sewage treatment system without first obtaining a permit therefor from the Building Official for the City.

ZONING ORDINANCE

6.5.3.1 Application for Permits

Application for permits shall be made in writing upon printed blanks or forms furnished by the Building Official and shall be signed by the applicant.

6.5.3.2 Exhibits Required for Application

Each application for a permit shall include: a correct legal description of the property on which the proposed installation, alteration, repair or extension is to take place; a plan of the site of reasonable scale and accuracy showing the location of any proposed or existing buildings, water supply, property lines, and underground or overhead utility lines; a complete plan of the sewage treatment system showing the location, size and design of all parts of the system to be installed, altered, repaired or extended; the name of the person, firm, or corporation who is to install the system; any further information as required by the Building Official.

6.5.4 COMPLIANCE:

All individual sewage treatment systems within the shoreland overlay district shall be designed, installed, and maintained in accordance with MPCA standards listed in Subsection 6.5.2 of this Ordinance.

6.5.5 INSPECTION:

Any installation, alteration, repair, or extension of an individual sewage treatment system shall be inspected to ensure compliance by the Building Official or a qualified inspector following completion of the work and prior to covering of the system.

All existing sewage treatment systems inconsistent with the standards referenced in Subsection 6.5.2 of this Ordinance shall be brought into conformance or discontinued within five (5) years from the date of enactment of this Ordinance. Any nonconforming sanitary facility found to be a public nuisance shall be brought into conformity or discontinued within 30 days after receiving written notice from the Building Official.

6.6 WATER SUPPLY

Public or private supplies of water for domestic purposes shall conform to Minnesota Department of Health standards for water quality.

6.6.1 PUBLIC OR MUNICIPAL WATER SUPPLIES:

Public or municipal water supplies shall be used where available and where feasible.

6.6.2 PERMIT:

No person, firm, or corporation shall install, alter, repair or extend any private well without first obtaining a permit therefor from the Building Official of the City.

6.6.2.1 Application for Permits

Application for permits shall be made in writing upon printed blanks or forms furnished by the Building Official and shall be signed by the applicant.

6.6.2.2 Exhibits Required for Application

SHORELAND MANAGEMENT

Each application for a permit shall include:

- a) A correct legal description of the property on which the proposed installation, alteration, repair, or extension is to take place;
- b) A plan of the site of reasonable scale and accuracy showing the location of any proposed or existing buildings, sewage treatment facilities, property lines;
- c) A complete plan of the water supply system showing the location, size and design of all parts of the system to be installed, altered, repaired, or extended;
- d) The name of the person, firm, or corporation who is to install the system;
- e) Any further information as required by the Building Official.

6.6.3 PRIVATE WELLS / FLOODING:

Private wells shall be located in a manner to be free from flooding and the top shall be so constructed and located as to be above all possible sources of pollution. Wells already existing in areas subject to flooding shall be flood-proofed.

6.6.4 PRIVATE WELLS / LOCATION:

No private well shall be located closer than three (3) feet to the outside basement wall of the dwelling. The outside basement footing shall be continuous across the opening of the well alcove. No well shall be located closer than 15 feet to a property line.

6.6.5 MINNESOTA HEALTH DEPARTMENT STANDARDS:

Private wells shall be located in accordance with the standards of the Minnesota Health Department standards MDH 217 "Location of Wells", (c) (1).

6.7 SUBDIVISIONS

6.7.1 LAND DETERMINED UNSUITABLE FOR SUBDIVISION:

No land shall be subdivided which is held unsuitable by the City for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities, or any other feature likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

6.7.2 PLAT SUBMITTAL TO THE DNR:

Copies of all plats within the shoreland overlay district shall be submitted to the Commissioner of Natural Resources within ten (10) days of final approval by the City.

6.7.3 PLANNED DEVELOPMENT DISTRICT:

ZONING ORDINANCE

Planned Development District (PDD): Altered zoning standards may be allowed as exceptions to this Ordinance for PDD's provided preliminary plans are approved by the Commissioner of Natural Resources prior to their approval by the City, and further provided:

6.7.3.1 Central Sewage Facilities

Central sewage facilities shall be installed which meet applicable standards of the Minnesota Pollution Control Agency or the PDD is connected to a municipal sanitary sewer.

6.7.3.2 Open Space

Open space is preserved through the use of restrictive deed covenants, public dedications, or other methods.

6.7.3.3 Density Factors

The following factors are carefully evaluated to ensure the increased density of development is consistent with the resource limitations of the protected water:

- a) Suitability of the site for the proposed use;
- b) Physical and aesthetic impact of increased density;
- c) Level of current development;
- d) Amount and ownership of undeveloped shoreland;
- e) Levels and types of water surface use and public accesses;
- f) Possible effects on overall public use.

6.7.3.4 Applicable Federal and State Regulations

Any commercial, recreational, community, or religious facility allowed as part of the planned unit development shall conform to all applicable Federal and State regulations including, but not limited to, the following:

- a) Licensing provisions or procedures;
- b) Waste disposal regulations;
- c) Water supply regulations;
- d) Building codes;
- e) Safety regulations;
- f) Regulations concerning the appropriation and use of Protected Waters as defined in Minnesota Statutes 1974, Chapter 105;
- g) Applicable regulations of the Minnesota Environmental Quality Board.

6.7.3.5 Final Plan

The final plan for a planned unit development shall not be modified, amended, repealed, or otherwise altered unless approved in writing by the Developer, the municipality, and the Commissioner.

6.7.3.6 Shoreline Recreation Facilities

There are centralized shoreline recreation facilities such as beaches, docks and boat launching facilities.

6.8 NOTIFICATION PROCEDURES

6.8.1 PUBLIC HEARING:

SHORELAND MANAGEMENT

This page - white out lines before printing.

A copy of the notice of a public hearing to consider a variance to the provisions of the Shoreland Overlay District or a conditional use in the Shoreland Overlay District shall be sent to the Commissioner of Natural Resources such that the notice is received by the Commissioner at least ten (10) days prior to such hearings.

6.8.2 ORDINANCE AMENDMENTS / DECISION - DNR:

A copy of all amendments to this Ordinance and final decisions granting variances or conditional uses within the Shoreland Overlay District shall be sent to the Commissioner of Natural Resources within ten (10) days of the amendment or final action.

All provisions for unsewered areas shall apply to sewerred areas except for the following, which shall supersede the provisions applied to unsewered areas: